

MESSAGE NO: 6194305 MESSAGE DATE: 07/12/2016

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: ADRV-Administrative Review

FR CITE: 81 FR 39905 FR CITE DATE: 06/20/2016

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-979

EFFECTIVE DATE: 06/20/2016 COURT CASE #:

PERIOD OF REVIEW: 12/01/2013 TO 11/30/2014

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for modules produced in third countries (multiple case nos.) from crystalline silicon photovoltaic cells produced in the PRC A-570-979, period covered is 12/01/2013-11/30/2014

1. As discussed in paragraphs 2 and 3 of Message No. 2158303, dated 06/06/2012, Commerce considers modules, laminates, and panels produced in a third country from subject crystalline silicon photovoltaic cells (solar cells) produced in the People's Republic of China (PRC) to be covered by the scope of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC (A-570-979) (AD Order). However, modules, laminates, and panels produced in the PRC from solar cells produced in a third country are not covered by the scope of the AD Order. Since importers may import modules, laminates, or panels produced in a third country from subject solar cells produced in the PRC and this merchandise may have a non-Chinese country of origin for Customs purposes, third-country case numbers have been established to allow such merchandise to be properly claimed as subject merchandise upon entry.

2. For all shipments of modules, laminates, or panels that were produced in a third country from subject solar cells produced in the PRC, entered, or withdrawn from warehouse, for consumption during the period 12/01/2013 through 11/30/2014, under the case numbers listed below, assess an antidumping liability equal to the amounts listed below, which are expressed as a percentage of the entered value of subject merchandise:

Canada

PRC solar cell exporter: JA Solar Technology Yangzhou Co., Ltd.

Case number: A-122-988-004

Rate: 8.52 percent

Malaysia

PRC solar cell exporter: Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd./Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing Tianneng Yingli New Energy Resources Co.,

3. The notice of the lifting of suspension of liquidation for entries of subject merchandise covered by paragraph 2 occurred with the publication of the final results of administrative review (81 FR 39905, 06/20/2016). Unless instructed otherwise, for all other shipments of modules, laminates, or panels that were produced in a third country from subject solar cells produced in the PRC, you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current cash deposit rates.

4. There are no injunctions applicable to the entries covered by this instruction.

5. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duties and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

7. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit

their inquiries through authorized CBP channels only. (This message was generated by O4:HS)

8. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party